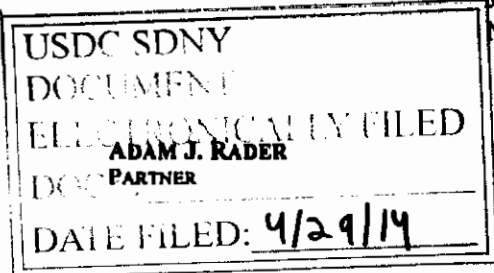


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APRIL 28, 2014

BY ECF AND BY HAND

Hon. Richard M. Berman
United States District Court Judge
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Cramer v. The Calder Foundation et al. (14-CV-1375 (RMB))

Dear Judge Berman:

We represent the plaintiff in the above-referenced matter. Earlier today, on April 28, 2014, we received a letter from defendants' counsel requesting Your Honor's permission to move pursuant to Rules 9(b) and 12(b)(6) to dismiss the complaint.

Pursuant to Your Honor's rules our response to said request is due on Thursday, May 1, 2014. Michael A. Lacher, lead counsel on this matter, is out of the country participating in intensive meetings related to another matter that he is handling. As a result, he is unavailable to participate in any response to plaintiff's April 28, 2014 letter for the remainder of this week. Accordingly, we respectfully request that plaintiff's time to respond to defendants' April 28, 2014 letter be extended to May 9, 2014. We also respectfully request that Your Honor extend defendants' time to respond to the complaint from May 8, to June 9, 2014, to permit Your Honor time to consider our response to plaintiff's request for permission to file a motion to dismiss prior to defendants' deadline to respond.

We believe that the pre-trial conference scheduled for April 30, 2014, is mooted by defendants' request for permission to move to dismiss. Accordingly, we respectfully request that the conference be adjourned pending resolution of plaintiff's request to move for dismissal. There have been no prior requests for extensions of this deadline. We have consulted with William F. Cavanaugh, Jr., counsel for the defendants, who consents to the extensions of deadlines requested in this letter.


For the reasons stated above we respectfully request that Your Honor's approval of the following requests: i. to extend plaintiff's deadline to respond to defendants' April

28, 2014 letter from May 1, 2014 to May 9, 2014; ii. to extend the deadline for defendants to respond to the complaint from May 8, 2014 to June 9, 2014 and iii. to adjourn the April 30, 2014 pre-trial conference until after resolution of defendants' request for permission to move to dismiss.

Respectfully submitted,
EATON & VAN WINKLE LLP

By: 
Adam J. Rader

Cc: Patterson, Belknap Webb & Tyler (Attn: William F. Cavanaugh, Jr.)

<u>4/30 conf. is adjourned to</u>
<u>5/14/14 @ 11:30 am.</u>
<u>Plaintiffs may respond to Defendants'</u>
<u>pre-motion letter by May 9, 2014</u>
<u>Defendants' time to respond to</u>
<u>complaint is extended to 6/9/14.</u>
SO ORDERED: 
Date: <u>4/29/14</u> Richard M. Berman, U.S.D.J